UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,225	04/09/2001	Antonio R. Bogat	8594	8621

26890	7590	02/17/2005

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EXAMINER
PAULA, CESAR B

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 September 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment, and updated oath filed on 9/7/2004.

This action is made Final.

2.   In the amendment, claims 14-18 have been added. Claims 1-18 are pending in the case.

Claims 1, 5, 10, and 13 are independent claims.

3.   The rejection of claim 13 under 35 U.S.C. 103(a) over Doyle, has been withdrawn as

necessitated by the amendment.

Oath/Declaration

4.   The oath/declaration have been amended to clarify the citizenship. Therefore, the

objection has been withdrawn.

Information Disclosure Statement

5.   The information disclosure statement (IDS) submitted on 4/9/2001 has been entered, and

considered by the examiner.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

7.   Appropriate corrections have been made to claims 3, 8-9, and 13. Therefore, the

rejections of these claims have been withdrawn.

8.   Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

9.   Claim 18 recites the limitation "the first and second information" in lines 1-2. There is

insufficient antecedent basis for this limitation in the claim. There is no previous "first

information" found in this claim or its base independent claim (13).

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

11.   Claims 1-2, 5-6, and 8-11 remain, and 14-17 are rejected under 35 U.S.C. 102(b) as being

anticipated by Lemay et al, "Web Workshop JavaScript", hereinafter Javascript, Sams.net, 1996,

pages 178-179, 186-191.

Regarding independent claim 1, Javascript discloses the prompting, and storing of a

user's name in a cookie in order to remember the user when the user—*first visitor*-- comes back

to a web page –*web site* (page 187-189, fig. 9.6). The user's name serves to identify the user to

the web site, whenever the user visits the site.

In addition, Javascript discloses that a user can store cookies having preferences, such as

a user's name. Whenever the user comes back to the web page, this user is remembered, and if a

name has been previously stored in the cookie, a javascript is used—*performing first background*

search on the first visitor-- to greet the user by displaying the user's name on the web page (page

187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—

selecting first information from a collection of information reflecting the user's stored

preferences.

Furthermore, Javascript teaches a server sending and outputting a web page, containing

the user's name, to a user—*transmitting the first information to the first visitor* (page 179, lines

1-12, page 187, lines 1-8, pages 188-189, fig. 9.6).

Regarding claim 2, which depends on claim 1, Javascript discloses the prompting, and

storing of a user's name in a cookie in order to remember each user that accesses a web page,

when the user—*second visitor*-- comes back to a web page –*web site* (page 179, 187-189, fig.

9.6). The user's name serves to identify the user(s) to the web site, whenever the site is visited by

the user(s).

In addition, Javascript discloses that a user(s) can store cookies storing preferences, such

as a user's name. Whenever the user comes back to the web page, this user is remembered, and if

a name has been previously stored, a javascript is used—*performing second background search on the second visitor*-- to greet the user by displaying the user's name on the web page (page 187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—*selecting from the collection of information second information* reflecting each user's stored preferences. In other words, a user's name is displayed, whenever each user visits a web page or site to be able to track or tell different users.

Furthermore, Javascript teaches a server sending or outputting a web page, containing the user's name, to each user—*transmitting the first information to the second visitor* (page 179, lines 1-12, page 187, lines 1-8, pages 188-189, fig. 9.6).

Regarding independent claim 5, Javascript discloses a user viewing a web page in accordance to users' predetermined preferences, whenever each user returns to the web page, using links such as targeted links–*an inquiry by a user to the web site* (page 178-179, 187-189).

Furthermore, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is viewed based upon the user's preferences (page 179, and 187). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page (containing information such as frames—*first and second information*) is sent and displayed to a user, in accordance to the user's preferences —*estimating whether the user possesses selected characteristics or preferences and based on the estimate selecting first and second information from a collection of information.*

Regarding claim 6, which depends on claim 1, Javascript discloses that a user(s) can store

cookies having preferences. Whenever the user comes back to the web page, this user is

remembered, and the web page is sent to the user and viewed based upon the user's preferences

(page 179, and 187).

Regarding claim 8, which depends on claim 5, Javascript discloses the prompting, and

storing of a user's name–*specific identity of the visitor*-- in a cookie in order to remember each

user that accesses a web page, when the user comes back to a web page (page 179, 187-189, fig.

9.6). The user's name serves to identify the user(s) to the web site, whenever the site is visited by

the user(s).

Regarding claim 9, which depends on claim 8, Javascript discloses the display of a web

page using a cookie, which only contains the user's name as a preference—*no characteristics in

addition to the specific identity of the individual*--- whenever the user comes back to a web page

(page 187-189, fig. 9.6).

Regarding independent claim 10, Javascript discloses a user viewing a web page in

accordance to users' predetermined preferences, whenever each user returns to the web page,

using links such as targeted links–*receiving an inquiry by a user to the web site* (page 178-179,

187-189).

Furthermore, Javascript discloses that a user(s) can store cookies having preferences.

Whenever the user comes back to the web page, this user is remembered—*ascertaining identity*

of the visitor using the cookie-- and the web page is viewed based upon the user's preferences—

visitor-specific information (page 178-179, and 187). In other words, whenever a user returns to

a web page or site, a server determines if there is a cookie associated with the user. If there is a

cookie with preferences stored in association with the user, then the web page (containing

information such as frames—*response information*) is sent and displayed to a user, in accordance

to the user's preferences.

Claim 11 is directed towards a method for implementing the steps found in claim 6, and

therefore is similarly rejected.

Regarding claim 14, which depends on claim 1, Javascript, teaches sending a web page,

having multiple frames—*first information made visible to the first visitor*, to be displayed to the

user based on user's preferences (page 179, and 187).

Regarding claim 15, which depends on claim 2, Javascript, teaches sending a web page,

having multiple frames—*second information made visible to the second visitor*, to be displayed

to the user based on user's preferences (page 179, and 187). In other words, when another user

accesses the web site from his computer, the web page with multiple frames of information is

presented according to that user's preferences.

Regarding claim 16, which depends on claim 5, Javascript, teaches sending a web page, having multiple frames—*first and second information made visible to the visitor*, to be displayed to the user based on user's preferences (page 179, and 187).

Regarding claim 17, which depends on claim 10, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered—*ascertaining identity of the visitor* using the cookie-- and the web page is viewed based upon the user's preferences (page 178-179, and 187, fig.9.6). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page. containing the user's name (containing information such as frames—*response information, and visitor-specific information*) is sent and displayed to a user, in accordance to the user's preferences.

12.   Claims 13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nehab et al, hereinafter Nehab (Pat. # 6,029,182, 2/22/2000).

Regarding independent claim 13, Nehab discloses accepting a user command to browse or traverse a hypermedia link—*receiving an inquiry from a visitor to the web site* (col.8, lines 35-39).

Moreover, Nehab discloses the creation of a rule for later duplicating the selections made by the user's commands, such as specifying that newspaper articles under certain heading should

be retrieved (col.8, lines 38-67). In other words, the web page is constructed based on what the web site thinks the user might like, by looking at the command used by the user to retrieve a web page—*making an estimate of selected characteristics of the visitor.*

Moreover, Nehab discloses the prompting a user to set an automatic newspaper delivery time for sending the newspaper to the user. A web retrieval system is launched automatically at the time designated by the user, and retrieval of articles based on a personal profile from appropriate web sites. The profile contains both the created rule-- *the estimate--* and user-specified preferences (col.10, lines 21-36)—*asking the visitor whether customer-specific information is desired and if so, deriving customer-specific information from a collection of information based on the estimate, based on the inquiry, selecting second information from the collection.*

Furthermore, Nehab discloses the formatting of the retrieved information (both rule, and user preferences based) into a personalized newspaper over the Internet, sending and storing it for later viewing in the user's computer (col.10, lines 30-44, col.11, lines 60-col.12, line 37, fig.6)— *compiling the customer-specific information and the second information into a message, and transmitting the message to the visitor.*

Regarding claim 18, which depends on claim 13, Nehab discloses the formatting of the retrieved information articles —*first and second information made visible to the visitor—*

(both rule, and user preferences based) into a personalized newspaper over the Internet, sending and storing it for later viewing in the user's computer (col.10, lines 30-44, col.11, lines 60-col.12, line 37, fig.6).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript, in

view of Nehab et al, hereinafter Nehab (Pat. # 6,029,182, 2/22/2000).

Regarding claim 3, which depends on claim 1, Javascript discloses that a user(s) can store

cookies having preferences. Whenever the user comes back to the web page, this user is

remembered, and the web page is sent to the user and viewed based upon the user's preferences

(page 179, and 187). Javascript fails to explicitly disclose: *the first background research

comprises contacting another website.* Nehab teaches a learning mode for creating a log of

several web sites visited by a user in order to duplicate the user's navigation preference (col.8,

lines 33-67). However, it would have been obvious to a person of ordinary skill in the art at the

time of the invention to have combined Javascript, and Nehab, because Nehab teaches allowing a

user the benefit of scanning personalized data and read this data, which is relevant to the user's

preferences, and which doesn't include too much information, in a natural fashion (col. 2, lines

1-10, 40-67), thereby preventing overwhelming a second user with voluminous, and irrelevant

information.

Regarding claim 4, which depends on claim 2, Javascript discloses that a user(s) can store

cookies having preferences. Whenever the user comes back to the web page, this user is

remembered, and the web page is sent to the user and viewed based upon the user's preferences

(page 179, and 187). Javascript fails to explicitly disclose: *the second background research*

comprises contacting the other website. Nehab teaches a learning mode for creating a log of

several web sites visited-- *second background research*-- by a user(s) in order to duplicate the

user's navigation preference (col.8, lines 33-67). However, it would have been obvious to a

person of ordinary skill in the art at the time of the invention to have combined Javascript, and

Nehab, because Nehab teaches allowing people—*first, second, third visitors..*-- the benefit of

scanning personalized data and read this data, which is relevant to the user's preferences, and

which doesn't include too much information, in a natural fashion (col. 2, lines 1-10, 40-67),

thereby preventing overwhelming a second user with voluminous, and irrelevant information.

15.   Claims 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Javascript, in view of Landan (Pat. # 6,449,739 B1, 9/10/2002, filed on 1/17/2000).

Regarding claim 7, which depends on claim 1, Javascript discloses that a user(s) can store

cookies having preferences. Whenever the user comes back to the web page, this user is

remembered, and the web page is sent to the user and viewed based upon the user's preferences

(page 179, and 187). Javascript fails to explicitly disclose: *the message comprises an electronic*

mail message. Landan teaches disseminating customized web reports via email (col.8, lines 50-

54). However, it would have been obvious to a person of ordinary skill in the art at the time of

the invention to have combined Javascript, and Landan, because Landan teaches the prompt

notification of system administrators when a problem occurs in a web site (col. 2, lines 1-24-50,

col.3, lines 27-67), thereby allowing system administrators a mechanism to quickly respond to

web site problems.

Claim 12 is directed towards a method for implementing the steps found in claim 7, and

therefore is similarly rejected.

Response to Arguments

16.   Applicant's arguments filed 9/7/2004 have been fully considered but they are not

persuasive. Regarding claim 1, the Applicant indicates that the selection of first information is

not done based on the background research (page 5, line 23-page 6, line 3). The Examiner

disagrees, because Javascript discloses retrieving information, such as a user's name, from a

cookie (pages 187-189, fig.9.6). In other words, the computer is searching the cookie, behind the

scenes,--*background research*-- to retrieve the needed information

        Moreover, Applicant indicates that claim limitations a) and b) are not needed for locating

the cookie (page 6, lines 16-19). It is unclear what this statement means. However, Javascript

teaches the prompting, and storing of a user's name in a cookie in order to remember the user

when the user—*first visitor*-- comes back to a web page –*web site* (page 187-189, fig. 9.6). The

user's name serves to identify the user to the web site, whenever the user visits the site.

In addition, Javascript discloses that a user can store cookies having preferences, such as a user's name. Whenever the user comes back to the web page, this user is remembered, and if a name has been previously stored in the cookie, a javascript is used—*performing first background search on the first visitor--* to greet the user by displaying the user's name on the web page (page 187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—*selecting first information from a collection of information* reflecting the user's stored preferences.

Moreover, Applicant indicates that a cookie does not actually identify a visitor to a web, because if another person, other than the user, is using the computer to visit the website, and the name of the first user is used to greet the second person, then this would not be equivalent to identifying the first user (page 7, lines 1-8, 16-22). This is not the scenario presented by Javascript, because Javascript assumes that the user that is listed in the cookie, is the same person using the computer at the time the user is greeted with the name retrieved from the cookie (page 187, lines 1-8).

Moreover, Applicant presents couple of hypothetical scenarios that try to explain why a cookie does not actually identify a visitor to a web (page 8, lines 12-page 9, line 14). In a first scenario, the user is browsing the web site using a different computer operating system, and in the second scenario, the same user is visiting the web site using a different computer at another location, such as a library. Applicant argues that in these cases, the user is not identified (page 7, lines 1-8, 16-22). However, these scenarios are not presented by Javascript. Javascript teaches a scenario where the user that is listed in the cookie, is the same person using the computer at the time the user is greeted with the name retrieved from the cookie (page 187, lines 1-8).

Moreover, Applicant asserts that limitations b-c are being taught by the same element of

Javascript—the identification of the user, and performing the background research (page 10,

lines 2-7). This is not the case, because as shown by the rejection (page 4, lines 1-4), Javascript

identifies the user when the user registers the name and personal information into the cookie. The

background or behind-the-scenes research takes place when the user gets back to the web site.

In addition, Applicant notes that performing the background research cannot refer to

looking up a name in a cookie (page 10, line 16-page 11, line 12). This is not the case, because as

shown by the rejection (page 4, lines 1-4), Javascript first identifies the user when the user

registers the name and personal information into the cookie. The background or behind-the-

scenes research takes place when the user gets back to the web site by searching for the cookie

associated with the user.

Regarding claim 2, Applicant argues that treating cookies for both the first and second

visitor, is not reasonable, because the cookies are stored in different computers (page 12, lines 6-

page 13, line 5). The Examiner disagrees, because as it is taught by Javascript, a server serves the

cookies to each user's browser; the cookies are transmitted from the server to the individual

users (page 179, lines 4-7).

Regarding claim 5, Applicant argues that limitation e) is not taught by Javascript, namely

the first and second information (page 12, lines 6-page 13, line 5). The Examiner disagrees,

because Javascript, teaches sending a web page, having multiple frames—*first and second*

information, to a user based on user's preferences (page 179, and 187). In this case, the frames, and the information within these frames comprise the first and second information.

Regarding claim 6, Applicant argues that since the message of claim 5 is not taught, then the web page included in the message, as recited in this claim, is also not taught (page 15, lines 8-11). The Examiner disagrees, because Javascript, teaches sending a web page, having multiple frames—*first and second information*, to a user based on user's preferences (page 179, and 187). In this case, the frames, and the information within these frames comprise the first and second information.

Claim 8 is rejected at least based on the rationale stated above concerning claim 5.

Regarding claim 9, Applicant indicates that the rejection of this claim seems contradictory, because in claim 5 user preferences are equivalent to the "characteristics", and in this claim the preferences are not present (page 16, lines 5-8). The Examiner disagrees, because this claim recites having no other characteristic besides the identity of the individual, which is taught by Javascript's greeting the user by name as an only characteristic or preference in a web page (page 187-189).

Regarding claim 10, Applicant indicates that the rejection of the visitor-specific information makes little sense (page 17). The Examiner disagrees, because Javascript teaches viewing a web page based upon the preferences -- *visitor-specific information* --of a user visiting

a web site (page 178-179, 187). Applicant seems to be reading into the claims more than is

recited. The examples used seem to point to the invention as disclosed in the specification, not

the claim. As indicated above, Javascript teaches the limitations of the claim, which are stated

broadly.

Regarding claim 11, Applicant argues that the rejection of this claim is contradictory,

because the message contains the web page (page 19, lines 1-16). The Examiner disagrees,

because Javascript, teaches sending a web page, having multiple frames—*response information*,

to a user based on user's preferences (page 179, and 187). In this case, the message is the web

page transmitted to the user as a result of the user's request for the web page.

Regarding claim 3, Applicant argues how can a cookie look-up be found in Nehab's

direct route to a sport page (page 20, lines 1-11). It is unclear what's meant by this statement.

However, Nehab discloses a learning mode for logging or keeping track of user's navigation

preferences —*first background research comprises contacting another web site*--, so as to

personalize a newspaper (col.8, lines 33-67). So in the case where the background research

comprises contacting another web site, Nehab's teaching comprises the contacting of another

web site by the user in order to log or perform the behind the scenes research.

Moreover, Applicant argues that the rejection fails to state what is obtained from the

combination of Nehab, and Javascript (page 22, lines 2-13). The Examiner disagrees, because

Javascript, fails to teach the contacting another web site in the implementation of the background

research. However, Nehab teaches that the accessing of other web sites by the user causes the

logging or tracking of the user's preferences (col.8, lines 33-67).

Regarding claim 4, Applicant states that the same web site is contacted for both

background researches (page 22, lines 15-122). The Examiner disagrees, because the research

performed in claim 1 is different from the one performed in claim 4.

Regarding claim 7, Applicant argues that the motivation to combine Javascript and

Landan has no logical connection with Landan's email reports (page 20, lines -11). The

Examiner disagrees, because Landan sends a web page report to a user via email (col.8, lines 50-

54. In other words, personalized information thought to be needed by the user, is transmitted as a

web page report via email, which would aid in gathering personalized information as it is

Nehab's goal.

Regarding claim 13, Applicant notes that limitation c) is not present in the rejection (page

20, lines -11). The Examiner disagrees, because the rejection states (page 10, lines 10-13) that

the user is asked whether or not the user wishes to go to his pre-stored list of favorite items—

asking the visitor whether customer-specific information is desired. However, it would have

been obvious to a person of ordinary skill in the art at the time of the invention to have combined

derived the information, and complied the first and second information into a message, because

Doyle teaches above allowing the user the option of retrieving the list of favorite items on a web

site, providing the benefit of displaying a web page, which contains a list of personalized items

desired by the user, thereby preventing a waste of time needed to sort through the web site to get

to the information that is of interest to the user.

The Applicant is directed to the new rejections of newly added claims 14-18.

Conclusion

I.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner

can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least

one business day.

Any response to this Action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Or faxed to:

- **(703) 703-872-9306,** (for **all** Formal communications intended for entry)

CESAR B   PAULA
PRIMARY EXAMINER
AU 2178

2/16/05